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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,330	09/01/2000	Allan Herrod	538C	6566
7590	06/17/2005		EXAMINER	
ALAN KIRSHSTEIN OTTINGER ISRAEL & SCHIFFMILLER 489 FIFTH AVENUE NEW YORK, NY 10017-6105			LIM, KRISNA	
		ART UNIT	PAPER NUMBER	
		2153		

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/654,330	HERROD ET AL.	
	Examiner Krisna Lim	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 March 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 55-82 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 55-82 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Art Unit: 2153

1. Claims 55-82 are presented for examination, and claims 1-54 were canceled.
2. It is requested that a future correspondence from applicants have line numbering for the recitation of claims, if possible, as this will aid in the future correspondence from the examiner.
3. Claim 55 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 55, line 3, "the terminal" lacks clear antecedent basis. It is unclear how can a server is in the terminal. What's kind of the terminal is it?

4. In reply, on page 10 of the applicant's remark, applicant indicated that "the terminal" can be found at line 1 of claim 55. In response, at line 1 of claim 55, Examiner found "mobile, hand-held terminal" instead of just "terminal". Thus, at line 3, "the terminal" should be "The mobile, hand-held terminal" in order to have a clear antecedent basis.

Moreover, applicant points to pages 9-10 of the specification and Figs. 1-3 for answering the examiner's question about how can a server is in the terminal and what's kind of the terminal is it. In response, such proclaimed feature is not clearly disclose on pages 9-10, page 17 (lines 20-23) and Figs. 1-3. Moreover, the gist of this invention is to have a sever in the [mobile, hand-held] terminal that allows an Internet site to be set up at the terminal without the requirement of accessing the dedicated server; however, it is still unclear how the server can be put in the mobile, hand-held terminal.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 56-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The gist of this invention is to have a sever in the [mobile, hand-held] terminal that allows an Internet site to be set up at the terminal without the requirement of accessing the dedicated server; however, it is still unclear how the specification, specially pages 9-10, page 17 (lines 20-23) and Figs. 1-3, disclose for any person skilled in the art to make and use this proclaimed server that could be put in the mobile, hand-held terminal. On Fig. 3, the server 2 inside the terminal client 1 is merely a black box while the detail of how to put this server and its function is not clearly disclosed.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 55, 67 and 77 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rossmann [U.S. Patent No. 5,809,415].

10. Rossman disclosed (e.g., see Figs. 1-14) the invention substantially as claimed. Taking claims 55, 67 and 77 as exemplary claims, the reference disclosed a wireless data communication system (e.g., see Fig. 1), comprising:

a) a computer network having a plurality of access points (HTTP 749 and UDP Interface 74 of Fig. 7) for users to access the network;

b) a mobile, hand-hand terminal (portable device, mobile device, cellular telephone 700 of Fig. 7 and 8a) for wireless connection to a computer network (e.g., see Fig. 1) having access points (Figs. 1 and 7), including:

- i) a server (802-803 of Fig. 8a) in the terminal (702) for establishing a user-accessible site having a network address for the terminal (801-803 of Fig. 1);
- ii) a memory (716) in the terminal (700 of Fig. 7) for storing data in a file at the site;
- iii) a wireless communication in the terminal (see Fig. 1); and

c) a locator in the network (Get Home URL of fig. 8) for receiving an access request to the site via one of the access points (HTTP and UDP Interface 206) and for

transmitting the data in the file to one access point in wireless communication with the communicator in the terminal (e.g., see Fig. 1).

11. Claims 56-65, 68-76 and 78-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossmann as applied to claims 55, 67 and 77 above, and further in view of Official Notice and Russell et al. [U.S. Patent No. 5,905,248].

12. As to claims 56-60, 68-71 and 78-80, while Rossmann disclosed a plurality of two-way wireless interactive communication devices (e.g., see Fig. 1), Rossmann did not explicitly detail a well known device, for example, a transducer for converting input signal, input video signal, input audio signal into electrical signal representing data (e.g., an image file, a sound file, a hazard file, a symbol file, or whatever file) stored in the file. Examiner takes the official notice that a transducer is a well known device for converting sound, temperature, pressure, light or other signal to or from an electrical signal (e.g., see any electronic or computer dictionary). Thus, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the well-known device into Rossmann's interactive communication device in order to facilitate the communication between pluralities of different devices.

13. As to claim 72 and 81, Rossmann did not explicitly detail the use of bar code, bar code label, bar code reader or scanner. Such features are clearly taught by Russell et al. (e.g., see an abstract, Figs. 1-7, col. 1 (line 61) to col. 9 (line 67). Saving and benefits associated with the Internet-based transactions that could be automatically launched and executed in response to reading of the bar code would have been a desirable feature in the art as suggested by Russell et al. (e.g., see col. 1, line 61, to col. 3, line 32). Thus, it would have been obvious to one of ordinary skilled in the art at

the time the invention was made to combine the teaching of these two references in order to achieve such desirable feature. Moreover, they are directed to a wireless user-held network terminal

14. As to claim, 61, the feature of the terminal has a printer driver for printing a hard copy of the data. Such feature

15. As to claims 62 and 74, Rossmann disclosed the terminal has a display for displaying the data (705 of Fig. 7).

16. As to claims 63, Rossmann. disclosed the server creates a network page (e.g., create HTTP request 802 of Fig. 8) for displaying the data, and wherein the terminal has a display (705 of Fig. 7) for displaying the network page.

17. As to claims 64 and 76, Rossmann. disclosed the terminal has a manually operated control (e.g., Keyboard 715 of Fig. 7) for changing how the data is displayed.

18. As to claims 65-66 and 75, Rossmann. disclosed the display is displayed in an area and a tool for selecting a zone on the display for storage in the file (e.g., see 802 to 809 of Fig. 8).

19. As to claims 73 and 82, while Rossmann disclosed a system for providing visual interfaces to mobile subscriber account services including a plurality of two-way wireless interactive communication devices (e.g., see Figs. 1-8) that allowed the mobile device 100 having a Home URL and UDP Interface for accessing the Internet wirelessly via wireless network (e.g., see Fig. 1 and col. 8, Rossmann did not explicitly detail or mention that the mobile subscribers were being billed for download the data in the file. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to recognize that the mobile subscriber must be billed for whatever services

that they are subscribed because the mobile device must subscribe and pay the bill in order to receive the services.

20. Applicant's arguments with respect to claims 56-82 have been considered but are moot in view of the new ground(s) of rejection.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

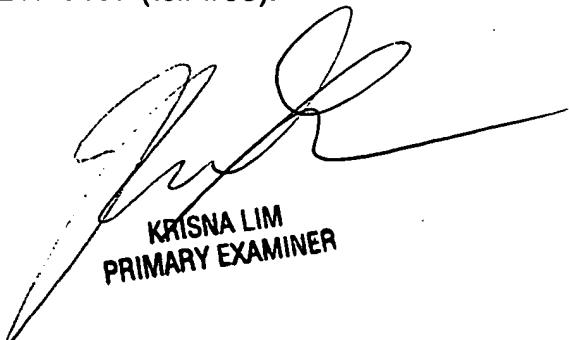
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 8, 2005



KRISNA LIM
PRIMARY EXAMINER